



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MA 02554

Minutes
Thursday, April 9, 2009
1:00 PM
2 Fairgrounds Road

Board Members in attendance: Michael J. O'Mara, Dale Waine, Ed Toole, Kerim Koseatac, Burr Tupper, Mark Poor, and Carol Cross.

Staff: John Brescher and Venessa Moore

I. Call to Order:

Chairman O'Mara called the meeting to order at 1:05 PM.

II. Approval of the Agenda

A motion was made (Waine) and duly seconded to approve the agenda. The vote was 5-0 in favor.

III. Approval of the Minutes

A motion was made to approve the March 12, 2009 minutes (Toole) and duly seconded. The vote was 5-0 in favor.

IV. Old Business

- **085-06 Reis 80 Miacomet Avenue Reade C**
Action Deadline September 26, 2009. Continued to September 10, 2009
- **030-07 Burnham 12½ Sherburne Turnpike Reade C**
Action Deadline September 26, 2009. Continued to September 10, 2009
- **033-08 Tetawkimmo Comm. Assoc. Tr. Barnard Valley Rd. Philbrick**
Action Deadline August 23, 2009.
- **034-08 Longfin, LLC Barnard Valley Rd. Hunter**
Action Deadline August 23, 2009.
- **035-08 Longfin, LLC Barnard Valley Rd. Hunter**
Action Deadline August 23, 2009.
- **086-08 Longfin, LLC Barnard Valley Road Hunter**
Action Deadline August 23, 2009.

Attorney Bill Hunter represented Longfin, LLC and Attorney Melissa Philbrick represented Tetawkimmo Commons Neighborhood Association. Both parties requested that the above-applications be heard simultaneously.

Attorney Hunter summarized the applications to this point and the relief requested for each.

Attorney Hunter also proffered a definition of the term "retail" Longfin, LLC considered to be appropriate.

Attorney Philbrick reiterated her clients' concern that no C&D would be accepted by Longfin. Billy Cassidy, speaking on behalf of Longfin, LLC, stated that there is no C&D. Attorney Philbrick further expressed concern regarding the landscaping debris and the detrimental effects caused by the storing of this debris.

Billy Cassidy mentioned that in 2006 there was a plan on record to show the landscaping debris such as brush, grass clippings, and compostable material.

Michael O'Mara suggested a condition that there shall be no grinding from Memorial Day to Columbus Day.

Ed Toole expressed his concern regarding the nature of the existing businesses on site and how much square footage is allotted to them. Billy Cassidy informed Mr. Toole that although the previous decision and plan indicated that there was only 9200 square feet allotted to the various businesses in the pit, this number understates the actual square footage.

On File No. 086-08, a motion was made (Toole) and duly seconded with the conditions proposed by Ed Toole. The vote was 4-1 in favor (Waine opposed on the basis that he believed the condition regarding the erosion was too restrictive).

On File No. 033-08, a motion was made (Toole) and duly seconded to uphold the order of the Zoning Enforcement Officer. The vote was 0-5 in favor.

On File No. 034-08, a motion was made (Toole) and duly seconded to uphold the Zoning Enforcement Officer. The vote was 5-0 in favor.

On File No. 035-08, a motion was made (Toole) and duly seconded to grant the requested clarification. The vote was 5-0 in favor. In a separate action, a motion was made (Toole) and duly seconded to grant the requested variance for the communications antenna. The vote was 0-5 in favor.

- **088-08 DeBenedictis 7 Brewster Road Self C**
Action Deadline October 15, 2009. Continued to May 14, 2009

A motion was made (Waine) and duly seconded to continue the application to the May meeting. The vote was 5-0 in favor.

V. New Business

- **006-09 Spring 339 Polpis Road Self**
Action Deadline June 12, 2009.

The Applicant represented herself.

Ms. Spring informed the Board that rather than request variance relief, she is instead requesting relief from an unintentional setback intrusion. A surveyed plan shows her garage sited less than half a foot from her twenty (20) foot rear yard setback.

A motion was made (Botticelli) and duly seconded to approve the requested relief. The vote was 5-0 in favor.

- 058-08 Aslansan 1 Brock's Court Zieff W
Action Deadline September 11, 2009.

The Applicant requested that the application be withdrawn. A motion was made (Waine) and duly seconded to allow the withdrawal and not waive the fee should the Applicant return to the Board of Appeals. The vote was 5-0 in favor.

- 007-09 Ferriera 47 Nobadeer Farm Road Self C
Action Deadline June 12, 2009. Continued to May 14, 2009

A motion was made (Toole) to continue the application without opening to the May 14th meeting.

- 009-09 Irvine 15 Laretta Lane Reade
Action Deadline June 3, 2009.

Attorney Arthur Reade represented the Applicants.

Attorney Reade explained that the Applicant had a stroke and was now attempting to make his dwelling handicap accessible. Due to wetlands on the property, the Applicant was requesting variance relief in order to construct the dwelling.

A motion was made (Botticelli) and duly seconded to grant the requested relief with the condition that the ridge height shall not exceed twenty-five (25) feet and there shall be no other dwelling unit on the lot. The vote was 5-0 in favor.

- 015-09 Poole 4 Butterfly Lane Reade
Action Deadline July 9, 2009

Attorney Arthur Reade represented the Applicants.

Attorney Reade stated that the Applicants were requesting special permit relief in order to validate the location of the deck.

A motion was made (Koseatac) and duly seconded to approve the requested relief. The vote was 5-0 in favor.

- 010-09 Lombardi, Trustee 8 Madaket Road Hanley
Action Deadline June 12, 2009

Attorney Marianne Hanley represented the Applicants.

Attorney Hanley stated that the Applicants were requesting to change the use from a garage to a pool cabana. Attorney Hanley further stated that the Applicants have agreed that there shall be no wet bar in the pool cabana.

A motion was made (Tupper) and duly seconded to approve the requested relief. The vote was 5-0 in favor.

- 011-09 Perry, Trustee 78 Polpis Road Dale
Action Deadline July 9, 2009

Attorney Kevin Dale represented the Applicants.

Attorney Dale explained that the Applicants were requesting special permit relief in order to demolish and reconstruct the dwellings on the lot. Additionally, the Attorney Dale mentioned that the Applicants would be willing to donate the raised platform tennis court to the local platform tennis club.

However, the Zoning Enforcement Officer noted that the Applicants could not receive relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(9)(b) because one of the structures will show an increase in ground cover.

Accordingly, a motion was made (Koseatac) to approve the requested relief with a revised site plan to show all of the setbacks as conforming, was not duly seconded, and subsequently failed.

After deliberations, it was determined that special permit relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(4) was appropriate.

A motion was made (Koseatac) and duly seconded to approve the requested relief pursuant to Nantucket Zoning Bylaw Section 139-33.A.(4) with the updated site plan showing all setbacks as conforming. The vote was 5-0 in favor.

- 014-09 Goodnow 35 Massachusetts Avenue Dale
Action Deadline July 9, 2009

Attorney Kevin Dale represented the Applicant.

Attorney Dale stated that the Applicant was requesting a special permit in order to relocate the dwelling on the lot.

Ed Toole expressed concern that there was not adequate space between the edge of the structure and the lot line.

A motion was made (Toole) and duly seconded to approve the requested relief with the condition that there shall be a one (1) foot reduction on either side for an aggregate two (2) foot reduction. The vote was 5-0 in favor.

- 012-09 Haigh and Christ 7 Roberts Lane Self
Action Deadline July 9, 2009

A motion was made (Toole) and duly seconded to continue the application without opening to the May 14th meeting.

- 013-09 Saperstein 20 New Street Self C
Action Deadline July 9, 2009

Lee Saperstein represented himself at the hearing. Mr. Saperstein explained to the Board that his property had been incorrectly staked and that is why the generator was sited in the setback. Subsequently, Mr. Saperstein requested special permit relief for an unintentional setback intrusion.

A motion was made (Waine) and duly seconded to approve the requested relief. The vote was 4-1 in favor (Toole opposed).

VII. Other Business

VIII. Adjournment

A motion was made (Toole) and duly seconded to adjourn the meeting at 4:20 P.M.